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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MARSH, STEVEN M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,293

Applicant(s)

TAM ET AL.

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 10, 11, 13 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 5, 6, 8, 9, 12, 14-17 and 24-26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10072005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the first office action for U.S. Application 10/802,408 for a Collapsible Rolling Stand filed on March 12, 2004.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-19 and 21-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "the ground" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7, 10, 11, 13, and 18-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,087,013 to Gress et al. Gress et al. discloses a collapsible rolling stand with a front end portion and a rear end portion. The stand can be manipulated between open and closed positions and has a top frame with a generally planar portion (20 or 24) configured to have an object secured thereto in a way such

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that the top planar portion is generally vertical when the stand is in the closed position..

There is a folding mechanism that supports the top frame with a handle (42) operatively connected to one end portion of a pair of spaced apart first members (48a) that have opposite ends defining contact points with the ground, and a pair of spaced apart second members (56) with wheels for enabling a user to roll the stand. The first and second members are pivotally connected to one another and configured such that the weight of an object provides a substantial portion of the necessary force needed to pivot the first and second pairs of members to further separate the forward contact point from the rear wheels and move the stand from the closed position to the open positions wherein the top frame planar portion is substantially horizontal. The first members are located on each side of the stand and are operatively connected to and pivotable relative to a rear portion of the top frame planar portion. Each of the second members has a pivot connection(62) to one of the first members at a point intermediate the ends of the first member, each second member having one of the wheels connected to a rearward end portion thereof and an extension located forwardly of the pivot connection at a predetermined angle between 40 and 90 degrees relative to the lengthwise direction of the second member. There is a link member (72,74) pivotally attached to the distal end of the extension and to the top frame planar portion and a handle (42) connected to the planar portion. There is a locking mechanism (40) for releasably holding the stand in the closed position wherein actuating the locking mechanism enables the second member to pivot about the pivot connection causing the weight of the object to move the wheels a short distance away from the top frame planar portion,

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further movement of the stand in the rearward direction causing the second members and wheel to rotate toward the rear of the stand to the open position where the top frame planar portion is oriented in the substantially horizontal position.

The handle extends between and is connected to both first members and the cross member is positioned at an elevation below the top frame planar portion (at 44) and has a curved shape upwardly from the first members. The first members have a generally transverse extension (53) at the ground engaging opposite ends and at least one front end bridge (50) interconnecting the ends. The stand could support a circular saw and the top frame planar portion includes two side frame members (the sides) and two end frame members (the ends) interconnected in a generally planar rectangular configuration. There is at least one stop member (49) connected to each second member for contacting the first member limiting the pivoting movement there between during the opening of the stand so that the top planar portion is held in the generally horizontal position. There is also a link member (26, 28) pivotally attached to the distal end of the rear leg extension and the frame portion, as well as main side struts (54, 56, 60), and the top frame includes an outwardly directed extension with a slot one each side thereof (at 74) for receiving an end of a link member.

Allowable Subject Matter

Claims 5, 6, 8, 9, 12, 14-17, and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,927,745 to Cunningham

U.S. Patent 5,067,535 to Wolff

U.S. Patent 5,275,365 to Gerbel et al.

U.S. Patent 6,578,856 B2 to Kahle

U.S. Patent 5,509,159 to Du-Bois

U.S. Patent 6,725,855 B1 to Brennan

U.S. Patent 5,863,052 to Roman

U.S. Patent 6,942,229 B2 to Brazell et al.

U.S. Patent 6,575,155 B2 to Brennan

U.S. Patent D486,504 S to Huang

The above patents all disclose various collapsible stands.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.


Steven M. Marsh

December 10, 2005


RAMÓN O. RAMÍREZ
PRIMARY EXAMINER